IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7466 of 2007()

CRIME NO.211/2007 OF KAKKUR POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED;

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1. RAMSHAD, S/O.ABOOBAKER, AGED 34
   KANIYATH HOUSE, NELLIKKAPARAMBU, MUKKAM VIA,
   CALICUT.

2. MOIDEENKOYA, S/O.ISMAILKUTTY,
   AGED 32, MUKKUNGAL HOUSE,
   NELLIKKAPARAMBU, MUKKAM VIA, CALICUT.

3. MANI.V.K., S/O.KUNCHIKOONAN,
   VALLIRIKOTTUMMAL HOUSE, KAKKAD AMSOM,
   KARAISERI, NELLIKKAPARAMBU, MUKKAM VIA, CALICUT.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE STATION HOUSE OFFICER/ASSISTANT SUB INSPECTOR
OF POLICE, KAKKUR POLICE STATION, KOZHIKODE,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7466 of 2007

Dated this the 5th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 3,4 and 5. They, along with accused 1 and 2 were allegedly travelling in a Qualis car and were allegedly found to have 1.75 litres of arrack in their possession for their own consumption. Some of them had consumed alcohol also, it was revealed. Accused 1 and 2 were arrested on the same day, that is 25/10/2007. They have already been enlarged on regular bail as per order dated 13/11/2007. The petitioners have not been arrested. They apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer - considering the minimal quantity of contraband liquor which was found in their possession and the admitted stand that the petitioners were keeping the article in possession for their own consumption, and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 12/12/2007. They shall be released

on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 13/12/2007 and 14/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 12/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 12/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007